

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**JUSTIN GUY**, individually on behalf  
of himself and others similarly situated,

Plaintiff,

v.

**ABSOPURE WATER COMPANY, LLC**,  
a domestic limited liability company,

Defendant.

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Case No.: 20-cv-12734

Hon. Mark A. Goldsmith

**PLAINTIFF'S PROPOSED SUPPLEMENTAL JURY INSTRUCTION**

**INSTRUCTION NO. \_\_\_\_\_**

*Job Titles Irrelevant*

An employee's exemption from overtime depends only upon that employee's job duties, not the employee's job title. The label that the parties place on the employee's duties does not alter the analysis of what those duties were.

Instead, you should focus on evidence regarding the actual day-to-day activities of the employee rather than more general job descriptions contained in Absopure's position descriptions, and the job title that Absopure selected for the duties performed by Plaintiffs.

Source: *Ehrlich v. Rich Prods. Corp.*, 767 F. App'x 845, 850 n.3 (11th Cir. 2019); *Schaeffer v. Indiana Michigan Power Co.*, 358 F.3d 394 (6th Cir. 2004); *Ale v. Tennessee Valley Authority*, 269 F.3d 680, 688–89 (6th Cir.2001).

Dated: December 11, 2023

Respectfully submitted,

/s/ Michael N. Hanna

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**CERTIFICATE OF SERVICE**

The undersigned certifies that on December 11, 2023 the foregoing document was filed using the CM/ECF system, which will send notice of same to all counsel of record.

/s/ Michael N. Hanna

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Attorney for Plaintiff